

REMARKS/ARGUMENTS

Favorable reconsideration of the above-identified patent application, in light of the above amendments and the following remarks is respectfully requested. The presently pending claims are claims 1-20. Claims 1, 13, 15, and 18 have been amended.

In paragraph 1 of the Office Action, the Examiner objected to claims 1, 13, and 18. In response, the Applicant has amended claims 1, 13 and 18 to correct the informalities.

In paragraphs 2 and 3, the Examiner rejected claims 13, 15, and 18 under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The Examiner stated that in claims 13 and 18 it is unclear how the remote control device distinguished between the control signals for a television and the control signals for the VCR or DVD. In addition, the Examiner stated that claim 15 recites a second keypad but not the first keypad. In response, the Applicant has amended claims 13, 15, and 18. In regards to claim 13 and 18, the claims have been amended to include a plurality of control switches to control the VCR and a plurality of control switches to control the television. In addition, claim 15 has been amended to depend on claim 14.

In paragraph 7, the Examiner rejected claims 1, 2, and 9 as being anticipated by U.S. Patent No. 6,483,440 to Welch (Welch). The Examiner stated that Welch teaches an ergonomic remote control device for the remote control of a television set which includes a housing substantially in the shape of a control stick and fixed to a base, and having a plurality of control switches and an infrared

transmitting light diode housed in said control stick for transmitting television viewing control signs and an electrical circuit contained within the housing capable of encoding signs.

In response, the Applicant has amended independent claim 1 to better differentiate Applicant's invention from Welch. Welch discloses a remote control having a elongated main body with a flat control panel on top of the end of the main body. The remote control also has a place for holding a beverage container. On the other hand, the Applicant's invention is a cylindrical control stick in the shape of an aviation control stick. The Applicant's invention is shaped in such a manner that the control switches are placed on the control stick to allow the user to manipulate the control switches while simultaneously grasping the control stick in the palm of the user's hand. Welch does not allow the manipulation of the control switches while holding the control stick because the control switches disclosed in Welch are located on a top surface of the remote control panel. The Applicant's invention emulates an aviation control stick which allows the grasping of the control stick and the simultaneous manipulation of the control switches. Welch does not disclose such a device nor does Welch provide a motivation to allow manipulation of the control switches while grasping the elongated section of the device.

Claims 2 and 9 depend from amended independent claim 1 and recite additional limitations in combination with the novel elements of claim 1. Therefore, the withdrawal of the rejection and the allowance of claims 1, 2, and 9 is respectfully requested.

In paragraph 8, the Examiner rejected claims 13 and 18 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,483,440 (Welch). The Examiner stated that Welch does not disclose expressly controlling a VCR or DVD. However, the Examiner stated that it would have

been obvious in the system of Welch to employ a universal control for controlling a complete entertainment cent.

In response, the Applicant has amended independent claims 13 and 18 to better differentiate Applicant's invention from Welch. As discussed above, Welch merely discloses a elongated main body with a flat remote control located on top of the main body. Welch does not disclose a cylindrical control stick shaped as an aviation control stick. In addition, Welch does not position the switches in such a manner to allow the switches to be manipulated by the hand while the hand simultaneously grasps the control stick. Therefore, the withdrawal of the rejection and the allowance of claims 13 and 18 is respectfully requested.

In paragraph 9, the Examiner rejected claims 1, 2, 7, 9, and 13 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,701,123 to Samulewicz (Samulewicz). The Examiner stated that Samulewicz teaches an ergonomic remote control device having all of the claimed elements.

In response, the Applicant has amended independent claims 1 and 13 to better differentiate Applicant's invention from Samulewicz. Samulewicz is similar in shape to Welch having an elongated main body with a flat top surface having control switches. On the other hand, the Applicant's invention is an aviation control stick which allows the user to grasp the control stick while simultaneously manipulating the control switches. Samulewicz does not disclose such a device. Samulewicz requires the user to remove the hand from the elongated main body and push the buttons located on the top of the remote control.

Claims 2, 7, and 9 depend from amended independent claim 1 and recite additional limitations in combination with the novel elements of claim 1. Therefore, the withdrawal of the rejection and the allowance of claims 1, 2, 7, 9, and 13 is respectfully requested.

In paragraph 10, the Examiner rejected claims 1, 2, 5, 9, and 13 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,457,448 to Totsuka et al. (Totsuka). The Examiner stated that Totsuka teaches an ergonomic remote control device having a housing substantially in the shape of a control stick and a plurality of control switches mounted on the control stick positioned to be manipulated by the digits of the hand.

In response, the Applicant has amended independent claims 1 and 13 to better differentiate Applicant's invention from Totsuka.. Totsuka discloses a remote control having a weighted bottom. Totsuka does not disclose a cylindrically shaped control stick in the shape of an aviation control stick. Totsuka is merely a conventionally shaped remote control (flat and rectangular) which does not easily conform to the hand of the user. The Applicant's invention is a control stick which easily fits in the hand of the user, is cylindrical and in the shape of an aviation control stick.

Claims 2, 7, and 9 depend from amended independent claim 1 and recite additional limitations in combination with the novel elements of claim 1. Therefore, the withdrawal of the rejection and the allowance of claims 1, 2, 7, 9, and 13 is respectfully requested.

In paragraph 11, the Examiner rejected claims 3 and 4 under 35 U.S.C. 103(a) as being unpatentable over Totsuka. The Examiner stated that Totsuka does not disclose expressly a "thumb switch having a four position switch but that Totsuka does disclose the claimed switch as a combination of switches. Alternatively, the Examiner stated that it would have been a matter of

obvious design choice to have a four position switch in the system of Totsuka based on the clarity of presenting television volume and channel selection, to one of ordinary skill in the art.

In response, the Applicant has amended independent claim 1 to better differentiate Applicant's invention from Totsuka. As discussed above, Totsuka does not teach or suggest an aviation style control stick which is cylindrically shaped. Totsuka merely teaches a conventionally shaped remote control which is weighted on the bottom. Totsuka does not discuss the advantages of an ergonomic shaped control stick. Likewise, all of the disclosure of Totsuka merely discloses the ability of the remote control to stand upright.

Claims 3 and 4 depend from amended independent claim 1 and recite additional limitations in combination with the novel elements of claim 1. Therefore, the withdrawal of the rejection and the allowance of claims 3 and 4 is respectfully requested.

In paragraph 12, the Examiner rejected claims 8 and 18 under 35 U.S.C. 103(a) as being unpatentable over Samulewicz in view of Totsuka. The Examiner stated that Samulewicz or Totsuka do not expressly disclose controlling a DVD. However, the Examiner stated that the systems of Samulewicz or Totsuka are capable of interchangeably controlling either a television or a VCR by a flipping switch. Therefore, the Examiner stated that it would have been obvious to one of ordinary skill in the art to use a DVD in the system of either Samulewicz or Totsuka.


In response, the Applicant has amended independent claims 1 and 18 to better differentiate Applicant's invention from the cited references. Neither Samulewicz nor Totsuka teach or suggest an aviation control stick allowing the grasping of the cylindrically shaped control stick and simultaneous manipulation of the control switches.

Claim 8 depends from amended independent claim 1 and recite additional limitations in combination with the novel elements of claim 1. Therefore, the withdrawal of the rejection and the allowance of claims 8 and 18 is respectfully requested.

CONCLUSION

For all the above reasons, the Applicant respectfully requests the reconsideration and withdrawal of the rejection and the allowance of claims 1-20.

Respectfully submitted,



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